

21-DCV-286500
Cause No. _____

ANNA CHAN
Plaintiff,

V.

HOME DEPOT U.S.A., INC.
D/B/A THE HOME DEPOT
Defendant.

§ **IN THE DISTRICT COURT**
§ Fort Bend County - 458th Judicial District Court
§ **JUDICIAL DISTRICT**
§
§
§
§
§ **FORT BEND COUNTY, TEXAS**

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, ANNA CHAN, hereinafter referred to as Plaintiff, complaining of Home Depot U.S.A. Inc., hereinafter referred to as Defendant, and for cause of action shows this Court and/or jury the following:

I

DISCOVERY LEVEL

Pursuant to Texas Rules of Civil Procedure 190.3, discovery is intended to be conducted under Level 2.

II

PARTIES

Plaintiff, ANNA CHAN, resides in Harris County, Texas.

Defendant, HOME DEPOT U.S.A. INC. D/B/A THE HOME DEPOT, is a corporation doing business in FORT BEND County, Texas. Defendant may be served with process by serving its agent, Corporation Service Company d/b/a CSC-Laywers Inco at 211 E. 7th Street Suite 620, Austin, TX 78701-3218.

III

JURISDICTION and VENUE

FORT BEND County is the proper venue for it is the county in which all or a substantial part of the events giving rise to this cause of action occurred. The damages in controversy are no more than \$1,000,000 and all relief Plaintiff is entitled at the time of filing of this petition.

IV

FACTS

It has become necessary to file this suit because of an incident which occurred on or about August 23, 2019, in Fort Bend County, Texas. On the date stated, Plaintiff, an invitee, visited The Home Depot at 10419 South Texas 6 Sugarland, Texas 77498 for supplies. After she used the restroom, she slipped and fell due to a liquid on the floor near the entrance of the ladies' room. Plaintiff landed on her left side backward. Her clothes were noticeably wet. Plaintiff sustained severe injuries because of this incident. The damages in controversy are less than \$1,000,000 as provided under T.R.C.P. 47c (2) and for judgment and all other relief which Plaintiff is deemed and entitled.

V

NEGLIGENCE

The occurrence made the basis of this suit and resulting injuries and damages were proximately caused by the negligence and/or negligence per se of the Defendant.

At the time on the occasion in question, Defendant owed duties to Plaintiff, including but not limited to the following and, by various acts and omissions, breached these duties, each of which singularly or in combination, was a proximate cause of the occurrence in question and Plaintiff's injuries.

- a. Plaintiff was an invitee on the property;
- b. A condition on the premises posed an unreasonable risk of harm;
- c. Defendant knew or reasonably should have known of the risk of harm presented by this condition;
- d. Defendant had a duty to use ordinary care to ensure that the premises did not present a danger to its invitees. This duty includes the duty to inspect and the duty to warn or make the condition safe;
- e. Defendant breached the duty of ordinary care by allowing the liquid to remain on the floor;
and
- f. Defendant's breach proximately causes the Plaintiff's injuries.

VI

DAMAGES

By reason of the foregoing, Plaintiff has sustained damages for which she seeks compensation under the law;

- a. physical pain and suffering sustained by Plaintiff in the past and, in all reasonable probability, that Plaintiff will sustain in the future;
- b. mental anguish sustained by Plaintiff in the past and, in all reasonable probability, that Plaintiff will sustain in the future;
- c. medical expense Plaintiff has incurred in the past and, in all reasonable probability, that Plaintiff will sustain in the future;
- d. disfigurement sustained by Plaintiff in the past and, in all reasonable probability, that Plaintiff will sustain in the future;
- e. physical impairment sustained by Plaintiff in the past and, in all reasonable probability, that Plaintiff will sustain in the future;
- f. all other elements of damage to which Plaintiff may show herself to be entitled to under law.

VII

RESERVE THE RIGHT TO AMEND & SUPPLEMENT

These allegations against Defendant are made acknowledging that investigation and discovery, although undertaken, are continuing in this matter. As further investigation and discovery are conducted, additional facts will surely be uncovered that may and probably will necessitate further, additional, and/or different allegations, including the potential of adding parties to and/or dismissing parties from the case. The right to do so is, under Texas law, expressly reserved.

VIII

JURY TRIAL

Plaintiff hereby requests a jury trial.

IX

REQUIRED DISCLOSURES

Plaintiff serves this Required Disclosures warranted by Rule 194.2 of the Texas Rules of Civil Procedure. Pursuant to Rule 194, you are requested to disclose, within thirty (30) days after the filing of the first answer, the information or material described in Rule 194.2(b)1-12. Any Defendant that is served or otherwise joined after the filing of the first answer must make their initial disclosures within thirty (30) days after being served or joined.

X

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that the Defendant be cited in terms of law to appear and answer herein, and that upon final trial of this case, she be awarded judgment against the Defendant; that she recovers pre-judgment and post-judgment interest on all damages awarded; that she recovers costs of Court, and that she receives such other and further relief to which she may show herself justly entitled.

Respectfully submitted,

LITTLETON & ASSOCIATES

By:



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Larry Littleton on behalf of Larry Littleton
Bar No. 12432500
littlaw@msn.com
Envelope ID: 56517859
Status as of 8/23/2021 9:56 AM CST

Case Contacts

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